

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

YOUA VANG LEE,
*Trustee for the heirs and next-of-kin
of Fong Lee, Decedent,*

CIVIL NO. 07-1205 (PAM/JSM)

Plaintiff,

v.

**SECOND AMENDED PRETRIAL
SCHEDULING ORDER**

CITY OF MINNEAPOLIS, et al.,

Defendants.

Pursuant to the parties' June 17, 2008 Stipulation to Amend Pretrial Scheduling Order [Docket No. 21], and Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Pleadings and Disclosures

July 1, 2007 -

All pre-discovery disclosures required by Rule 26(a)(1), including production of documents, shall be completed on or before this date.

August 1, 2007 -

All motions which seek to amend the pleadings or add parties must be served and filed on or before this date, and shall include a redlined version reflecting the changes contained in the proposed amended pleading. This deadline does not apply to motions which seek to amend the complaint to add a claim for punitive damages. Such motions must be brought on or before the non-dispositive motion deadline.

Discovery and Nondispositive Motions

Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:

August 1, 2008 -	By plaintiff
September 1, 2008 -	By defendants

Full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

September 15, 2008 -	By plaintiff
October 15, 2008 -	By defendants
November 15, 2008 -	Rebuttal by plaintiff

July 15, 2008 -	All fact discovery of any kind shall be commenced in time to be completed by this date.
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December 1, 2008 -	All expert discovery of any kind, including expert depositions, shall be commenced in time to be completed by this date.
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December 1, 2008 -	All non-dispositive motions and supporting pleadings (affidavits, memorandum of law, and proposed order), including those which relate to discovery and any request for extension of this Pretrial Scheduling Order, shall be served, filed and HEARD by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with the Magistrate Judge. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Katherine Haagenson, Calendar Clerk to Magistrate Judge Janie S. Mayeron, (651) 848-1190. A Reply Memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of this Court no later than 9:00 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1 and 37.2. When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to the undersigned in an envelope addressed to Katherine Haagenson, Calendar Clerk, contemporaneously with the documents being posted on ECF.
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Dispositive Motions and Trial

February 1, 2009 - All dispositive motions (affidavits, memorandum of law, and proposed order), shall be served, filed and HEARD by this date. Counsel for the moving party shall call Calendar Clerk Suzanne Ruiz, 651-828-1156 to schedule the hearing. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk Suzanne Ruiz, 651-828-1156 contemporaneously with the documents being posted on ECF.

This case shall be ready for trial as of May 1, 2009. The parties estimate that trial of this Jury matter will take 6 days.

General

No more than 25 depositions shall be taken per plaintiff, per City defendants and per State defendants.

No more than 40 Interrogatories (including all subparts) shall be served per City defendants and per State defendants.

No more than 40 Interrogatories (including all subparts) shall be served by plaintiff to State defendants by plaintiff to the City defendants.

The Court will not establish the number of written discovery devices which may be employed by the parties not covered in this Order. The attention of the parties is called to the provisions of Rule 26(g)(2). If necessary, the Court will rule on objections to specific discovery. See also Rule 26(g)(3) and Rule 37(a)(4).

Each party may depose all disclosed experts.

Each party may call all disclosed experts at trial.

Protective Order and Electronic Discovery

The parties will submit a proposed Protective Order for the Court's review and approval. The parties also agree to claw back provisions for any items that are privileged and are inadvertently disclosed. If protected documents must be filed with the Court, the parties propose that such documents will be filed under seal in accordance with the provisions in their proposed Protective Order. The parties intend to enter into a protective order. In the interim, any documents which any

producing party believes should be governed by a protective order shall be produced to opposing counsel for the attorney's review only. After the protective order is entered, the producing party shall designate the documents under the protective order.

The parties will provide down-loaded tangible copies of e-mails and other electronic data, duplicate recordings of any audio or video evidence, and copies of any photographs, including digital photographs.

Dated: June 18, 2008

s/ Janie S. Mayeron

JANIE S. MAYERON

United States Magistrate Judge